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AUG - 8 2002

LICENSING & REVIEW

In re Application of:  
Seema Garde et al:  
For Serial No. 09/977,406

DECISION ON  
REQUEST FOR  
RECONSIDERATION

Filed: October 15, 2001

For: **PHARMACEUTICAL PREPARATIONS AND METHODS FOR INHIBITING  
TUMORS**

This is a decision on the REQUEST FOR RECONSIDERATION filed May 14, 2002, responding to the communication (FORM PTOL-456) mailed February 4, 2002.

The request has been **DENIED** to the extent indicated below.

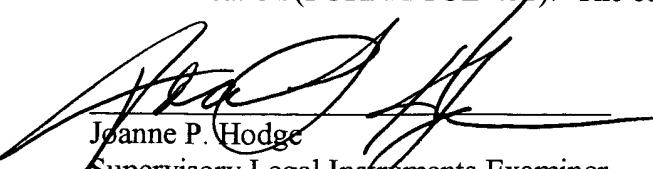
42 U.S.C. 2182 states in part "... useful in the production or utilization of special nuclear material or atomic energy". A review of the application file history reveals among other things the use of a radioactive isotope "<sup>3</sup>H" as disclosed in at least page 53 of the instant specification. Therefore under the directions from the Department of Energy (DOE) this application has been made available to them under 42 U.S.C. 2182 since the following subject matter relates to at least one of the following:

G. Materials, apparatus and methods concerning isotope and/or radioactive source technology including those utilizing (including responsive to) radioactive sources in:

- Life Sciences such as medicine (diagnostic and therapeutic), ecology, disease and pest control, animal husbandry, etc.
- Industrial processes such as food processing, sterilization, polymer production, etc.
- Investigations of the environment or the earth

H. Instruments employing a radioactive source and/or radioactivity detector in the operation thereof.

Applicant is reminded that a response is due within forty-five days of the mailing date of the communication (FORM PTOL-456). The communication having been mailed February 4, 2002.

  
Joanne P. Hodge  
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Licensing and Review  
Patent Technology Center 3600